

STATE OF NORTH CAROLINA  
WAKE COUNTY

BEFORE THE NORTH CAROLINA  
ADDICTIONS SPECIALIST  
PROFESSIONAL PRACTICE BOARD  
EC CASE NO. 809-23

NORTH CAROLINA ADDICTIONS	)
SPECIALIST PROFESSIONAL	)
PRACTICE BOARD,	)
Petitioner,	)
	)
v.	)
	)
JESSICA LYNN MADDEN	)
(CADC-R No. 29354),	)
Respondent.	)

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**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL AGENCY DECISION**

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In accordance with the Administrative Procedure Act, N.C. Gen. Stat. § 150B, the North Carolina Substance Use Disorder Professional Practice Act, N.C. Gen. Stat. § 90, Article 5C, and the rules and regulations adopted by the Board and codified in Title 21, Chapter 68 of the North Carolina Administrative Code, the North Carolina Addictions Specialist Professional Practice Board (hereinafter the “Board”) issues the following Findings of Fact, Conclusions of Law and Final Agency Decision in the above-captioned matter.

The record reflects that a quorum of the Board was present at the hearing held on January 24, 2025, when the Board made this decision. At the hearing, Mrs. Catherine E. Lee and Ms. Carolyn E. Duhon, General Counsel, appeared on behalf of Board Staff. Respondent was present and pro se.

Before the Board issued this Final Agency Decision, the following inquiry was read aloud in accordance with state ethics laws: “[d]oes any board member have any known conflict of interest with respect to this matter coming before the Board today? If so, please identify the conflict or appearance of conflict and refrain from any undue or inappropriate participation in the particular matter involved.” No Board members stated that they had a conflict of interest or the appearance of a conflict of interest.

Kendra Davis heard the case as presiding Board Chair. Board Members Johnny Bass, Anita Daniels, Lauren Quick, Stephanie Robinson and Katie Salmons heard the case. Board Members Kathy Allen and Stephanie Robinson were recused from hearing the case. Board Member Flo Stein was not present.

**PETITIONER'S LIST OF EXHIBITS**

<b>EXHIBIT</b>	<b>DATE</b>	<b>DESCRIPTION</b>	<b>BATES #</b>
<b>1</b>	12/05/2024	Order Upholding Summary Suspension by Consent and for Continuance	01-03
<b>2</b>	12/05/2024	Amended Notice of Hearing	04-09
<b>3</b>	12/05/2024	Transmittal letter to Respondent sent by FedEx and by Email enclosing the above Order, Amended Notice of Hearing, and copy of Board Exhibits prepared for the October 25, 2024 hearing	010-0118
<b>4</b>	12/09/2024	Affidavit of Service of the 12/05/2024 letter to Respondent with enclosures	0119-0123
<b>5</b>	06/12/2024	Order for Summary Suspension (for hearing July 26, 2024)	0124-0128
<b>6</b>	06/12/2024	Notice of Hearing (for hearing July 26, 2024)	0129-0134
<b>7</b>	10/02/2024	Affidavit of Service by Publication in the Fayetteville Observer (Fayetteville Observer Affidavit with Details at page 155) <ul style="list-style-type: none"> <li>Published 08/04/2024, 08/11/2024, and 08/18/2024</li> </ul> Hearing noticed for October 25, 2024	0135-0155
<b>8</b>	12/14/2023	Respondent's Self-Report of misdemeanor simple assault charge	0156
<b>9</b>	12/14/2023	Email exchange between B. Culbreth and Respondent re: response to request for more information	0157
<b>10</b>	02/19/2024	NC Dept. of Adult Correction, Offender Public Information Report	0158-164
<b>11</b>	02/23/2024	Board Complaint/Affidavit for non-response/noncooperation	0165-0166
<b>12</b>	03/14/2024	Board Counsel Request for Additional Information re criminal charges	0167-0168
<b>13</b>	04/04/2024	Sampson County Detention Center Inmate Details	0169-0170
<b>14</b>	04/25/2024	Certified Copy of Sampson County District Court # 23CR491961	0171-0217
<b>15</b>	05/31/2024	Board Request to Respondent's former Supervisor C. Small re: fitness to practice	0218-0220
<b>16</b>	06/24/2024	Fitness to Practice Letter from former Supervisor Candace Smalls, LPA, LCAS, CCS	0221

### **RESPONDENT'S LIST OF EXHIBITS**

Respondent did not admit any Exhibits into evidence during the course of the hearing.

### **JURISDICTION**

The North Carolina Addictions Specialist Professional Practice Board is an occupational licensing board of the State of North Carolina, organized under the provisions of N.C. Gen. Stat. § 90, Article 5C, and has jurisdiction over this matter pursuant to the provisions of N.C. Gen. Stat. § 90-113.33, N.C. Gen. Stat. § 150B, and the Board's duly enacted rules, 21 N.C. Administrative Code, Chapter 68.

### **FINDINGS OF FACT**

1. On October 16, 2023, Respondent was registered by the Board as a Certified Alcohol and Drug Counselor Registrant ("CADC-R") (CADC-R No. 29354), which will expire on October 15, 2028, if not renewed.
2. On December 14, 2023, the Board received a complaint filed by Respondent, a self-report of Respondent being criminally charged with MISDEMEANOR - SIMPLE ASSAULT, relating to a domestic situation between Respondent and Respondent's spouse. *Board Exhibits 8 and 9*. The Ethics Complaint was designated by the Board as Ethics Complaint ("EC") Case No. 809-23.
3. On June 12, 2024, the Board issued an Order for Summary Suspension and Notice of Hearing, scheduling a hearing for the above-referenced matter on July 26, 2024, at 12:00 PM or as soon thereafter as the Board may hear it. *Board Exhibits 5 and 6*.
4. Pursuant to Rule 4(j1) of the North Carolina Rules of Civil Procedure, the Board served the Order for Summary Suspension against Respondent by publication in the Fayetteville Observer on August 4, 2024, August 11, 2024, and August 18, 2024, scheduling a hearing for the above-referenced matter on October 25, 2024, at 12:00 PM or as soon thereafter as the Board may hear it. *Board Exhibit 7*.
5. On October 25, 2024, the Board commenced a hearing. Board staff was represented by Mrs. Catherine E. Lee and Ms. Carolyn E. Duhon, Hedrick Gardener Kincheloe and Garofalo, L.L.P., who served as prosecutors for Board staff. Respondent was present and pro se. Respondent requested the matter be continued to the next available hearing date before the Board. Respondent and the Board consented to an Order Upholding Summary Suspension by Consent and for Continuance, pending a hearing on the merits.
6. On December 5, 2024, the Board issued an Order Upholding Summary Suspension by Consent and for Continuance and an Amended Notice of Hearing, scheduling a hearing for the above-referenced matter on January 24, 2025, at 12:00 PM or as soon thereafter as the Board may hear it. *Board Exhibits 1, 2 and 3*.

7. The Presiding Officer convened the hearing on January 24, 2025, in person and administered before a Court Reporter.
8. Board staff was represented by Mrs. Catherine E. Lee and Ms. Carolyn E. Duhon, Hedrick Gardener Kincheloe and Garofalo, L.L.P., who represented Board staff. Respondent was present and pro se.
9. At hearing, Board staff presented credible evidence to establish Respondent was convicted of the criminal offense identified in Paragraph 2 of this Final Agency Decision.
10. The Board heard testimony and other evidence regarding Respondent's criminal convictions. Barden Culbreth, Executive Director for the Board, testified credibly as to the information reflected in Board Exhibit 14. Specifically, the find the Board finds that Respondent was convicted of the following criminal offenses:
  - i. On January 18, 2024, Respondent was convicted of MISDEMEANOR – DOMESTIC VIOLENCE PROTECTIVE ORDER ("DVPO") VIOLATION in Sampson County District Court, court file no. 2023 CR 491961-810;
  - ii. On April 10, 2024, Respondent pled guilty to MISDEMEANOR – SIMPLE ASSAULT in Sampson County District Court, court file no. 2023 CR 478785-810; and
  - iii. On April 17, 2024, Respondent pled guilty to MISDEMEANOR – PROBATION VIOLATION in Sampson County District Court, court file no. 2023 CR 491961-810.
11. Pursuant to N.C. Gen. Stat. § 90-113.40A(c), registrants are required to notify the Board of any criminal conviction(s) imposed during registration.
  - i. The Board heard testimony and other evidence regarding Respondent's criminal convictions and N.C. Gen. Stat. § 90-113.40A(c). Respondent testified credibly that she failed to disclose the above-referenced criminal convictions to the Board.
  - ii. The Board finds that Respondent failed to timely notify the Board of the above-referenced criminal convictions imposed during Respondent's registration as a CADC-R.
12. Pursuant to 21 NCAC 68 .0606(c)-(d), substance use disorder professionals are required to notify the Board within thirty (30) days from the date of any charges, conviction or finding of guilt, or pleading of nolo contendere for all criminal convictions, including DWI charges, arrests, and convictions, and failure to report criminal convictions shall be considered a violation of the ethical principles of the Board.

- i. The Board heard testimony and other evidence regarding Respondent's criminal convictions and 21 NCAC 68 .0606(c)-(d). The Board finds that Respondent failed to timely notify the Board of the above-referenced criminal convictions imposed during Respondent's registration as a CADC-R, in that Respondent failed to notify the Board within 30 days from the date of any charges, conviction or finding of guilt for the above-referenced criminal convictions.
13. Pursuant to N.C. Gen. Stat. § 90-113.44(a)(2a), grounds for disciplinary action include the use of drugs to the extent that a substance use disorder professional suffers impairment.
  - i. The Board considered evidence presented regarding N.C. Gen. Stat. § 90-113.44(a)(2). Credible evidence was presented that, on February 12, 2024, an order for Respondent's arrest was issued in relation to a MISDEMEANOR – PROBATION VIOLATION in Sampson County District Court, court file no. 2023 CR 491961-810, for Respondent violating probation terms by testing positive for cocaine, amphetamine, methamphetamine, marijuana, and fentanyl on February 12, 2024. Respondent testified credibly that the impairment was related to a relapse to substance use.
  - ii. The Board finds Respondent used drugs to the extent that Respondent suffered impairment, as Respondent tested positive for cocaine, amphetamine, methamphetamine, marijuana, and fentanyl on February 12, 2024.
14. Pursuant to 21 NCAC 68 .0503(i), substance use disorder professionals are required to recognize the negative impact impairment has on their functioning in public and professional performance and are required to report impairment to the Board for investigation and review.
  - i. The Board considered evidence presented regarding 21 NCAC 68 .0503(i). The Board finds Respondent failed to recognize the negative impact impairment had on Respondent's functioning in public and professional performance, in that Respondent tested positive for cocaine, amphetamine, methamphetamine, marijuana, and fentanyl on February 12, 2024.
  - ii. The Board also considered Respondent's failure to report the above-referenced impairment to the Board.
  - iii. Respondent testified credibly that she is not currently providing services pursuant to the CADC-R at this time, and that Respondent recognized she was unfit to practice following issuance of the above-referenced criminal charges.
15. Pursuant to 21 NCAC 68 .0601(6)(c), grounds for disciplinary action include professional incompetency or failure to meet standards of practice, including use of drugs, to the extent that professional competency is affected or that the professional suffers impairment.

- i. The Board considered evidence presented regarding 21 NCAC 68 .0601(6)(c). The Board finds Respondent used drugs to the extent that Respondent suffered impairment, in that Respondent tested positive for cocaine, amphetamine, methamphetamine, marijuana, and fentanyl on February 12, 2024.
16. Pursuant to N.C. Gen. Stat. § 90-113.44(a)(3), grounds for disciplinary action include conviction of an offense under any municipal, State, or federal law other than traffic laws as prescribed by Chapter 20 of the General Statutes.
  - i. In considering the application of N.C. Gen. Stat. § 90-113.44(a)(3), the Board heard testimony and other evidence relating to Respondent's criminal convictions. Specifically, the Board considered evidence presented as to Respondent being convicted of the above-referenced criminal offenses.
17. Pursuant to 21 NCAC 68 .0512(b), when a supervisor of record terminates supervision, the supervisee is required to add a new supervisor or otherwise update their supervision contract on file with the Board.
  - i. In considering the application of 21 NCAC 68 .0512(b), the Board heard testimony and other evidence relating to Respondent's Board supervision pursuant to the CADC-R. Testimony was presented that Respondent currently does not have a supervisor on file with the Board. At this time, Respondent has not provided information as to a new supervisor to the Board.
  - ii. The Board considered Respondent's failure to update her supervision contract on file with the Board. The Board finds Respondent failed to add a new supervisor or otherwise update her supervision contract on file with the Board.
  - iii. Respondent testified credibly that she is not receiving supervision at this time.
18. Pursuant to N.C. Gen. Stat. § 90-113.44(a)(6), grounds for disciplinary action include engaging in any act or practice in violation of any of the provisions of Article 5C or any of the rules adopted pursuant to it.
  - i. The Board considered the above-referenced evidence presented as to Respondent's impairment and criminal conduct, finding Respondent engaged in acts or practices in violation of the provisions of Article 5C and the rules adopted pursuant to it.
19. Pursuant to N.C.G.S. § 90-113.44(a)(9), grounds for disciplinary action include engaging in conduct that could result in harm or injury to the public.
  - i. The Board considered evidence presented regarding the MISDEMEANOR – SIMPLE ASSAULT conviction, a crime of violence, in court file no. 2023 CR 478785-810. The criminal records in Board Exhibit 14 indicate Respondent

willfully assaulted and struck the victim, punching the victim in the nose and grabbing the victim's neck.

20. Terri Conyers and Megan Peevey testified on Respondent's behalf at the hearing as to Respondent's maintained sobriety following the above-referenced criminal convictions and impairment.
21. Respondent testified on her own behalf as to her current circumstances, reporting that she has a sponsor, is working the 12-Steps, attends meetings and is a sponsor herself volunteering at the Healing Transition Home Group. Respondent also testified credibly that she has successfully maintained employment as a Field Manager in landscaping since April 29, 2024.
22. Respondent testified credibly that she is not fit to practice at this time, and opined she would need at least three (3) years of sobriety before re-entering the field. Respondent reported her last date of substance use and/or impairment as February 13, 2024.

### **CONCLUSIONS OF LAW**

1. Respondent is subject to the Administrative Procedure Act, N.C. Gen. Stat. § 150B, with the North Carolina Substance Use Disorder Professional Practice Act, N.C. Gen. Stat. § 90, Article 5C, and the rules and regulations adopted by the Board and codified in Title 21, Chapter 68 of the North Carolina Administrative Code.
2. Respondent is subject to jurisdiction before the Board.
3. The Board is authorized under Article 3A, Chapter 150B of the North Carolina General Statutes to hear this matter.
4. To the extent that the Findings of Fact contain conclusions of law, or that the Conclusions of Law are findings of fact, they should be so considered without regard to their given labels. Charlotte v. Heath, 226 N.C. 750, 755, 40 S.E.2d 600, 604 (1946); Peters v. Pennington, 210 N.C. App. 1, 15, 707 S.E.2d 724, 735 (2011).
5. The Board concludes that the acts and omissions of Respondent described in Findings of Fact No. 1-22 violate the following statutes and rules governed by the Board:
  - 1) 21 NCAC 68 .0503(i);
  - 2) 21 NCAC 68 .0512(b);
  - 3) 21 NCAC 68 .0601(6)(c);
  - 4) 21 NCAC 68 .0606(c);
  - 5) 21 NCAC 68 .0606(d);
  - 6) N.C. Gen. Stat. § 90-113.40A(c);
  - 7) N.C. Gen. Stat. § 90-113.44(a)(2a);
  - 8) N.C. Gen. Stat. § 90-113.44(a)(3);

- 9) N.C. Gen. Stat. § 90-113.44(a)(6); and
- 10) N.C.G.S. § 90-113.44(a)(9).

- 6. Pursuant to N.C. Gen. Stat. §§ 90-113.33(2) and 90-113.44(a), the Board has the authority to issue, renew, deny, suspend, or revoke licensure, certification, or registration to practice in this State or reprimand or otherwise discipline a license, certificate, or registration holder in this State.

### **FINAL AGENCY DECISION**

The North Carolina Addictions Specialist Professional Practice Board hereby issues the following decision:

- I. Respondent's registration before the Board as a Certified Alcohol and Drug Counselor Registrant ("CADC-R") (CADC-R No. 29354), is hereby **REVOKED**. Respondent shall be permitted to submit a new application before the Board, on or after October 16, 2028.
- II. This Final Agency Decision shall take effect upon service of Respondent in a manner consistent with N.C. Gen. Stat. § 150B-42(a).
- III. Pursuant to N.C. Gen. Stat. § 150B-45(a)(2), Respondent has thirty (30) days from the date that she receives this Final Agency Decision to file a Petition for Judicial Review. The Petition for Judicial Review must be filed in the Superior Court of the county where the person aggrieved by the administrative decision resides, or in the case of a person residing outside the State, in the county where the contested case which resulted in the final decision was filed. Since this is an administrative appeal, no additional evidence will be taken. If a Petition is filed, a Superior Court Judge will review the Final Agency Decision to determine whether there were any legal errors in the Final Agency Decision.

### **NOTICE**

This Final Agency Decision is issued under the authority of N.C. Gen. Stat. §150B-42. Pursuant to N.C. Gen. Stat. §150B-45, any party wishing to appeal this Final Agency Decision may commence such appeal by filing a Petition for Judicial Review in the Superior Court of the county in which the party resides. The party seeking review must file the Petition within 30 days after being served with a written copy of this Final Agency Decision.

N.C. Gen. Stat. § 150B-46 describes the contents of the Petition and requires service of the Petition on all parties. N.C. Gen. Stat. §150B-47 requires the Board to file the official record in the contested case with the reviewing court within 30 days of receipt of the Petition.



This, the 25 day of March 2025.

By: Dr. Kendra T. Davis  
Kendra Davis, Presiding Chair  
NORTH CAROLINA ADDICTIONS SPECIALIST  
PROFESSIONAL PRACTICE BOARD

**CERTIFICATE OF SERVICE**

This is to certify that the undersigned has, this date, served the foregoing **Findings of Fact, Conclusions of Law, and Final Agency Decision** upon the following named persons by depositing a copy of the foregoing document in the United States Mail, First Class, Postage Prepaid, and addressed as follow:

Ms. Jessica Lynn Madden  
10 N. Street  
Wendell, NC 27591

*Respondent*

**COURTESY COPY:**  
Jessimadden36@gmail.com

*Respondent*

This, the 27 day of March 2025.

**HEDRICK GARDNER KINCHELOE &  
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